

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested. Amended claim 1 is the only claim in this application in view of the prior restriction requirement. No new matter has been added to amended claim 1 because the preamble limitation is merely repeated in the added wherein clause at the end of the claim.

The rejection of claim 1 under 35 U.S.C. §102 as allegedly anticipated by Mashelkar et al (U.S. Patent No. 5,780,578) is respectfully traversed.

As confirmed by both the preamble of claim 1 (which includes the "cobalt imprinted" requirement) and the wherein clause at the end of claim 1 that further confirms the "imprint is cobalt," the claimed invention is specifically directed to a cobalt imprinted polymer composition. Mashelkar does not disclose or suggest a cobalt imprinted polymer composition.

More specifically, Mashelkar utilizes IBA-6ACA-LpheAl-2AP as the template/imprint. In the presently claimed invention, the imprint is cobalt. The disposition of the claimed monomers, for example, HEMA, MAA and MA-His, around cobalt is quite different than the disposition disclosed and taught in Mashelkar where IBA-6ACA-LpheAl-2AP is used as the template/imprint. The polymer of the claimed invention has hydrolytic activity. In this claimed invention, the template/imprint has to be cobalt in order to obtain a polymer having selective binding for cobalt. In this regard, the spatial disposition of monomers and the functional attributes of the claimed invention are quite different than the spatial disposition of monomers and the functional attributes of the Mashelkar compositions. Neither the imprint of cobalt or the spatial disposition of monomers or the functional attributes of the claimed invention are disclosed, taught or inherent in the Mashelkar disclosures and compositions.

As further evidence of the patentability of the claimed invention, applicant notes that Mashelkar utilizes three monomers, for example, HEMA, MAA and MA-His, that are brought in the vicinity of one another in the presence of a suitable metal ion such as nickel, cobalt, zinc, copper, manganese, iron, magnesium, etc. See claim 13 of Mashelkar. Thus, the presence of cobalt is not essential as long as any other metal ion is present that can bring the three functional groups in the proximity of each other.

Moreover, IBA-6ACA-LpheAl-2AP in Mashelkar is used as a template in addition to the metal ion which is used to bring the hydroxyl group of HEMA, the carboxyl group of MAA, and the imidazole group of MA-His in proximity with one another. The metal ions stated in claim 13 can be various metal ions. In Mashelkar's composition, this enhances the nucleophilicity of the hydroxyl group and enhances the hydrolytic activity. Although this would confer hydrolytic activity on the polymer composition of Mashelkar, it would not result in selectivity for cobalt because the imprinting molecule in Mashelkar is IBA-6ACA-LpheAl-2AP -- not cobalt as required by the presently claimed invention. As stated above and in the applicant's specification, the template/imprint has to be cobalt in order to obtain a polymer having selective binding for cobalt.

For the foregoing reasons, either individually or collectively, applicant submits that the claimed invention is not anticipated or rendered obvious by any disclosures, teachings or suggestions in Mashelkar. Mashelkar simply does not appreciate or even contemplate the claimed invention. As a result, applicant respectfully requests the withdrawal of the anticipatory rejection.

KULKARNI et al.
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The application is believed to be in condition for allowance and a notice to that effect is respectfully solicited. If the examiner has any questions concerning this case, the undersigned may be contacted at 703-816-4009.

Respectfully submitted,

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